

John Bloor (Attorney ID #026832009)
FAEGRE DRINKER BIDDLE & REATH LLP
One Logan Square, Suite 2000
Philadelphia, PA 19103
Tel: (215) 988-2700
Fax: (215) 988-2757
Attorneys for Defendant Lincoln Benefit Life Company

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
TRENTON DIVISION**

NAFTALI KUNSTLINGER as Trustee of
THE PINCHAS STOLPER INS TRUST
3/06/08,

Plaintiff,

v.

LINCOLN BENEFIT LIFE COMPANY,

Defendant.

Civil Action No. _____

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Lincoln Benefit Life Company (“Lincoln Benefit”), by and through its counsel, hereby removes the above-captioned action from the Superior Court of New Jersey, Law Division, Ocean Vicinage, to the United States District Court for the District of New Jersey, Trenton Division, subject to all its defenses, which are expressly reserved herein.

As grounds for this removal, Lincoln Benefit states as follows:

1. Lincoln Benefit is a defendant in a civil action filed in, and currently pending before, the Superior Court of New Jersey, Law Division, Ocean Vicinage, styled as *Naftali Kunstlinger as Trustee of the Pinchas Stolper Ins Trust 3/06/08 v. Lincoln Benefit Life Company*,

Docket No. OCN-L-001149-22 (the “State Court Action”).

2. Plaintiff Naftali Kunstlinger as Trustee of the Pinchas Stolper Ins Trust 3/06/08 (“Plaintiff”) initiated the State Court Action by filing a Complaint against Lincoln Benefit on order about June 3, 2022. True and correct copies of “all process, pleadings, and orders” served upon Lincoln Benefit in the State Court Action are submitted herewith. Lincoln Benefit has not taken any action in the State Court Action other than contemporaneously notifying the State Court of its filing of this Notice of Removal as required under 28 U.S.C. § 1446(d).

GROUND FOR REMOVAL

3. Lincoln Benefit is authorized to remove this action under 28 U.S.C. §§ 1441 and 1446. This Court has original subject-matter jurisdiction over the State Court Action pursuant to 28 U.S.C. § 1332(a) because there is complete diversity of citizenship between the parties and because the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

4. Plaintiff, the only plaintiff in this action, is and is alleged to be a citizen of the State of New Jersey for jurisdictional purposes. *See* Complaint ¶ 2 (“Naftali Kunstlinger, at all relevant times, is and has been a resident of the State of New Jersey.”).

5. Lincoln Benefit, the only defendant in this action, is alleged to be and in fact is a citizen of a different state for jurisdictional purposes. *See* Complaint ¶ 3 (“Upon information and belief, Lincoln is a foreign life insurance company.”). Specifically, Lincoln Benefit a citizen of Nebraska, being a life insurance company organized and existing under the laws of the Nebraska, with its principal place of business at 1221 N Street, Lincoln, NE 68508. Therefore, Lincoln Benefit is not a citizen of the State in which the State Court Action was brought. 28 U.S.C. § 1441(b)(2).

6. Accordingly, complete diversity of citizenship now exists and existed at the time the State Court Action was commenced. 28 U.S.C. § 1332(a).

7. Additionally, the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, as required by 28 U.S.C. § 1332(a).

8. This case involves a dispute regarding a \$7.5 million life insurance policy insuring the life of Phineas Stopler, which Lincoln Benefit contends has lapsed and is not currently in existence. *See* Complaint ¶¶ 5–16. Therefore, the amount in controversy, exclusive of interests and costs, exceeds jurisdictional threshold of \$75,000. 28 U.S.C. § 1332(a).

COMPLIANCE WITH REMOVAL PROCEDURES

9. Removal is proper to this Court because it is “the district court of the United States for the district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(a); *see also* 28 U.S.C. § 110.

10. This Notice is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure. 28 U.S.C. § 1446(a).

11. “[A] copy of all process, pleadings, and orders served upon [Lincoln Benefit] in [the State Court Action]” are submitted herewith. 28 U.S.C. § 1446(a). No answers or pending motions have been filed in the State Court Action.

12. This Notice of Removal is timely filed because service of process was received by Lincoln Benefit after the Commissioner of the New Jersey Department of Banking and Insurance accepted original service on Lincoln Benefit’s behalf on June 13, 2022. 28 U.S.C. § 1146(b)(1). Additionally, this Notice of Removal is not filed more than one year after the commencement of the State Court Action, which was commenced on or about June 3, 2022. 28 U.S.C. § 1446(c)(1).

13. Lincoln Benefit is the only defendant named in the State Court Action, and therefore there are no other defendants who need to join in or consent to the removal of this action. 28 U.S.C. § 1446(b)(2).

14. A copy of this Notice of Removal is being filed with the Superior Court of New Jersey, Law Division, Ocean Vicinage in the State Court Action. 28 U.S.C. § 1446(d).

15. Written notice of the filing of this Notice of Removal is also being served on Plaintiffs' counsel on this date. 28 U.S.C. § 1446(d).

16. In filing this Notice of Removal, Lincoln Benefit does not waive any defense that might be available to it in this action.

WHEREFORE, based on the foregoing, this Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332 and removal is proper under 28 U.S.C. §§ 1441 and 1446. Defendant Lincoln Benefit Life Company respectfully requests that this Court exercise jurisdiction over this removed action and enter orders and grant relief as may be necessary to secure removal and to prevent further proceedings in the State Court Action and to award Lincoln Benefit all other relief to which it is justly entitled.

Respectfully submitted,

Dated: July 12, 2022

FAEGRE DRINKER BIDDLE & REATH LLP
Attorneys for Defendant Lincoln Benefit Life Company

By: /s/ John Bloor
John Bloor (Attorney ID #026832009)
One Logan Square, Suite 2000
Philadelphia, PA 19103
Tel: (215) 988-2700
Fax: (215) 988-2757
john.bloor@faegredrinker.com

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of July, 2022, a true and correct copy of the foregoing Notice was sent via U.S. Mail, with courtesy copies via e-mail, to:

David BenHaim- NJ Attorney ID: 021082004
Meir Z. Goldberg - NJ Attorney ID: 401412022
LIPSIUS-BENHAIM LAW, LLP
80-02 Kew Gardens Road, Suite 1030
Kew Gardens, NY 11415
(212) 981-8440
dbenhaim@lipsiuslaw.com
mzgoldberg@lipsiuslaw.com

*Attorneys for Plaintiff Naftali Kunstlinger as
Trustee of the Pinchas Stolper Ins Trust
3/06/08*

/s/ John Bloor
John Bloor